

PATENT
Atty. Dkt. No. ROC920000333US1
MPS Ref. No.: IBM2K0333.Y1

REMARKS

This is intended as a full and complete response to the Office Action dated December 7, 2004, having a shortened statutory period for response set to expire on March 7, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-30 are pending in the application. Claims 1-7 and 9-32 remain pending following entry of this response. Claims 1-4, 7, 9, 25-28 and 30 have been amended. Claim 8 has been cancelled. New claims 31-32 have been added to recite aspects of the invention. Applicant submits that the amendments and new claims do not introduce new matter. Claims 10-24 and 29 are allowed.

Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has introduced new claims 31 and 32 substantially corresponding to claims 3 and 9, respectively, with the exception of the preamble, which has been changed, thereby making the claim type an article of manufacture rather than a method. Allowance of claims 31 and 32 is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4-8, 25-28 and 30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Schuetze et al.* (U.S. Patent 6,751,612, hereinafter *Schuetze*). Applicant respectfully traverses this rejection.

Claim 1 is directed to sorting lists of different list types. In response to receiving a first request to sort data items in a list of a second particular list type, where the data items are sortable in their default format, a generic data retrieval method is called. In response to receiving a second request to sort data items in a list of a second particular list type, where the data items are not sortable in their default format, a specific data retrieval method uniquely defined for the second particular list type is called.

The Examiner suggests that claim 1 is anticipated by the teaching of FIG. 1B of *Schuetze*. Respectfully, Applicant submits that the Examiner errs. FIG. 1B shows a

Page 12

337871_1

PATENT
Atty. Dkt. No. ROC920000333US1
MPS Ref. No.: IBM2K0333.Y1

user interface which includes checkboxes 104a-c for selecting how results are to be ranked, i.e., by content, frequency or content and frequency. Regardless of how results are ranked, *Schuetze* does not teach a distinction, as is recited in claim 1, regarding which data retrieval method is called depending upon whether the data items to be sorted are sortable in their default format. Therefore, claim 1 is believed to be allowable over *Schuetze*. For these reasons Applicant respectfully requests that the rejection be withdrawn and the claims be allowed.

Further, Applicant has made additional amendments to claim 1 in order to more clearly recite certain aspects. For example, claim 1 now recites that the data elements of the first request are in a default format corresponding to a sortable format sortable by a list sorter, the list sorter being incapable of sorting data elements in a format other than the sortable format. However, the present amendments are not necessary to overcome *Schuetze* for the reasons given above. Accordingly, the amendments are not being made for purposes of patentability and claim 1 is, therefore, entitled to its full range of equivalents.

Further, because claim 1 is believed to be allowable its dependents are also believed to be allowable, and allowance of the same is respectfully requested. Claim 30 was rejected for the same reasons as claim 1. Accordingly, claim 30 is also believed to be allowable.

Regarding claims 25-28, the Examiner argues that selected elements are conditionally recited and therefore are not attributed patentable weight. Applicant has amended the claims in an effort to remove any language that the Examiner may interpret as conditional in the sense of not necessarily having to occur. Because Applicant believes that each of the recited elements in claims 25-28 must now be attributed patentable weight, the Examiner's rejection over *Schuetze* is moot. Applicant believes the claims are now allowable and request allowance of the same.

Conclusion

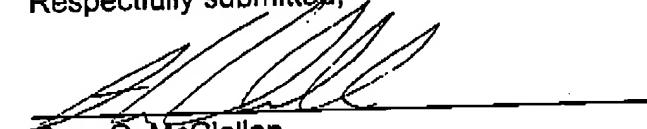
The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a

PATENT
Atty. Dkt. No. ROC920000333US1
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detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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